

~~CONFIDENTIAL~~

136-0575

16 March 1956

MEMORANDUM FOR: Director of Personnel

ATTENTION :

SUBJECT :

Medical Expenses of [REDACTED]

1. For the following reasons, we suggest an alternative to your recommendation that [REDACTED] medical expenses be met under the authority of the Deputy Director (Support) granted in [REDACTED]

2. [REDACTED] was an employee of this Agency. The status of employment does not necessarily derive from formal documentation, neither does it necessarily require compensation. When services of a person are utilized the distinction between employee and independent contractor is made primarily on the basis of the degree of direction and control exercised over the person by the user. From information supplied to us, we are of the opinion that the degree of direction and control exercised over [REDACTED] was such that "employee" is the proper characterization of her status. As an employee she is entitled to the application of the Federal Employees Compensation Act and of the medical expense provisions of the Central Intelligence Agency Act of 1949, if she otherwise meets the requirements.

3. In the instant case we understand that settlement has so far been delayed, among other reasons, because of certain requirements of operational security involving the placing in public record of [REDACTED] name as a Government employee during a period when she was involved in an especially sensitive operation. If this is so, we have no legal objection to payment of these expenses as an operational expense of the Division involved. Any action with DMC can be considered separately.

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[REDACTED]
Assistant General Counsel